

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KENDRA R. MASON, *et al.*,

Plaintiffs,

v.

BARRY H. JENKINS,

Defendant.

Case No.: 2:19-cv-01786-APG-EJY

REPORT AND RECOMMENDATION

On June 8, 2021, the Court entered an Order to Show Cause ("OSC") in the above captioned matter. ECF No. 5. The Court did so after finding that Plaintiff's Complaint (ECF No. 1-1) and Amended Complaint (ECF No. 4) failed to state claims upon which relief could be granted. *See id.* For this reason, the Court's OSC provided Plaintiff through July 6, 2021 to show cause why this matter should not be recommended for dismissal. As of the date of this Order, Plaintiff has not responded to the OSC.

Accordingly, IT IS HEREBY RECOMMENDED that the above captioned matter be dismissed and the case be closed by the Clerk of Court.

DATED THIS 20th day of August, 2021.


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address

1 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
2 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
3 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).